

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PROFIT POINT TAX TECHNOLOGIES,
INC.,

Plaintiff,

v.

DPAD GROUP, LLP, JOHN MANNING, and
DANIEL STEELE,

Defendants.

Civil Action No. 2:19-cv-698

Hon. William S. Stickman, IV

ORDER OF COURT

Plaintiff Profit Tax Technologies, Inc. (“PPTT”) filed this action against Defendants DPAD Group, LLP (“DPAD”), John Manning (“Manning”), and Daniel Steele (“Steele”) (collectively, “Defendants”) on June 14, 2019. (ECF No. 1). In its Complaint, PPTT asserted eleven claims: Breach of Contract (Count I); Breach of Fiduciary Duty (Count II); Misappropriation of Trade Secrets pursuant to the Defend Trade Secrets Act (Count III); Misappropriation of Trade Secrets pursuant to the Pennsylvania Uniform Trade Secrets Act (Count IV); Unfair Competition (Count V); Unjust Enrichment (Count VI); Tortious Interference with Prospective Contractual Relations (Count VII); Conversion (Count VIII); Intentional Misrepresentation (Count IX); Negligent Misrepresentation (Count X); and a claim for an accounting (Count XI). Counts I and II are asserted against Manning and Steele only, and the remaining claims are asserted against all Defendants.

Defendants filed a Motion to Dismiss (ECF No. 15), and after a Report and Recommendation was filed by Magistrate Judge Maureen P. Kelly on January 29, 2020 giving the parties until February 12, 2020 to file written objections thereto, and no Objections having

been filed, and upon independent review of the record, the Court hereby ADOPTS Magistrate Judge Kelly's Report and Recommendation as the opinion of the Court.

AND NOW, this 14th day of February 2020, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 15) is GRANTED IN PART and DENIED IN PART. The Motion to Dismiss is GRANTED with respect to Counts I, III, IV, IX, X and XI. These claims are dismissed without prejudice and with leave for Plaintiff to amend the Complaint, as appropriate, given the apparent discrepancies between Plaintiff's arguments in its pleadings and the facts as alleged in the Complaint. The Motion to Dismiss is DENIED with respect to the remaining claims.

BY THE COURT:

A handwritten signature in black ink, appearing to read "2/14/8 Stk IV", written over a horizontal line.

WILLIAM S. STICKMAN, IV
UNITED STATES DISTRICT JUDGE